

UNITED STATES DEPARTMENT OF JUSTICE  
OFFICE OF THE UNITED STATES TRUSTEE  
JUDY A. ROBBINS  
UNITED STATES TRUSTEE  
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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

IN RE:	§	CASE NUMBER
	§	
GABRIEL & BEACON HOLDING CO LLC	§	15-33062-H1-11
	§	(CHAPTER 11)
DEBTOR	§	

**UNITED STATES TRUSTEE'S MOTION TO DISMISS  
PURSUANT TO 1112(e) and BR 1017-2**

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**THIS MOTION DOES NOT REQUIRE BLR 9013 NOTICE AND HEARING  
PURSUANT TO 11 U.S.C. §1112(e)**

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TO: THE HONORABLE MARVIN ISGUR  
UNITED STATES BANKRUPTCY JUDGE  
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COMES NOW, THE UNITED STATES TRUSTEE, ("UST"), through the undersigned counsel and respectfully moves this Court pursuant to 11 U.S.C. §§1112(e) and BLR 1017-2(a) (4) and (5), dismissing this case for want of prosecution. In support thereof, the UST represents and alleges as follows:

1. Judy A. Robbins is the United States Trustee for the Southern and Western Districts of Texas.
2. The United States Trustee is an officer of the United States Department of Justice. 28 U.S.C. §581. His duties are set forth in 28 U.S.C. §586, 11 U.S.C. §307 and throughout the Bankruptcy Code, 11 U.S.C. §101, et. seq.

3. The UST is imposed with certain administrative responsibilities pursuant to 28 U.S.C. §586(a), which include the supervision of the administration of cases and trustees under chapters 7, 11, 12 and 13 of the Bankruptcy Code. To carry out this responsibility, the UST was given standing to raise and be heard on any issue in any case or proceeding. 11 U.S.C. § 307.

4. GABRIEL & BEACON HOLDING CO LLC, "Debtor", filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Bankruptcy Code (the "Bankruptcy Code") on June 2, 2015.

5. As of the date and time of this motion, a creditor mailing matrix had not been filed in this case, preventing the UST sending notice of this motion to creditors and setting of a 341 meeting of creditors in this case.

6. The undersigned has attempted by telephone and e-mail to contact Jon Parchman, Attorney for the Debtor, regarding this deficiency. No returned e-mail or call has been received.

7. Only a Schedule D has been filed in this case as of the date of this motion.

### **STATUTORY AUTHORITY**

8. Section 1112(e) states -

(e) . . . the court, on request of the United States Trustee, may convert a case under this chapter or may dismiss a case under this chapter, whichever is in the best interest of creditors and the estate if the debtor in a voluntary case fails to file, within fifteen days after the filing of the petition commencing such case or such additional time as the court may allow, the information required by paragraph (1) of section 521, including a list containing the names and addresses of the holders of the twenty largest unsecured claims ( or all of the unsecured claims if there are fewer than twenty unsecured claims), and the approximate dollar amounts of each of such claims.

9. Furthermore, BLR 1017-2 (a) sets forth the grounds for dismissal for "want of prosecution" which include, but are not limited to:

- (4) Failure by the debtor to timely file timely the mailing lists of creditors in the prescribed format;
- (5) Failure by the debtor to include the required creditors list with the petition;

### **ARGUMENT**

10. The UST would argue that failing to file a creditor mailing matrix demonstrates that the Debtor has failed to timely and diligently prosecute the filing of documents required by the Code.

Therefore, cause exists under 11 U.S.C. §1112(e) and BLR 1017-2(a) (4) and (5) for dismissal of this proceeding for want of prosecution.

WHEREFORE, the United States Trustee respectfully requests that this Court enter an order dismissing this chapter 11 case and directing the Debtor to pay the appropriate fees to the Court and to United States Trustee or such other and further relief as is appropriate.

Dated: June 10, 2015.

Respectfully submitted,

JUDY A. ROBBINS  
UNITED STATES TRUSTEE

By: /s/ Nancy L. Holley  
Nancy L. Holley, Attorney  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the UNITED STATES TRUSTEE'S MOTION TO DISMISS PURSUANT TO 1112(e) and BLR 1017-2 was served upon the Debtor and Debtor's counsel by United States mail, first class, postage prepaid on the 10<sup>th</sup> day of June, 2015, at the addresses indicated below. **Notice has not been given to all creditors for the reason that the Debtor has not filed a mailing matrix.**

**Debtor:**

Gabriel + Beacon Holding CO. LLC  
8111 Landau Park Lane  
Spring, TX 77379

**Debtor's Counsel:**

Jon Parchman  
Parchman Law Group P.L.L.C.  
21 Waterway Ave., Suite 300  
The Woodlands, Texas 77380

**Parties Requesting Notice**

None

/s/ Nancy L. Holley  
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